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ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	Hon. Stanley R. Chesler, U.S.D.J.
	:	
Plaintiff,	:	Civil Action No. 13-2872 (SRC)
	:	
-v-	:	
	:	DEFAULT JUDGMENT AND
ONE RGW 60 ROCKET LAUNCHER,	:	FINAL ORDER OF FORFEITURE
ONE RGW 90 ROCKET LAUNCHER,	:	
ONE CARL GUSTAV M2 84mm	:	
RECOILLESS RIFLE, ONE NATO 60mm	:	
TRAINING ROUND, AND ONE	:	
PROPELLANT TUBE ,	:	
	:	
Defendants <i>in rem</i> .	:	

WHEREAS, on May 3, 2013, a Verified Complaint for Forfeiture *In Rem* was filed in the United States District Court for the District of New Jersey against one RGW 60 rocket launcher, one RGW 90 rocket launcher, one Carl Gustav M2 84mm recoilless rifle, one NATO 60mm training round, and one propellant tube (collectively, the "Defendant Property") to enforce the provisions of (a) 18 U.S.C. § 545, which imposes a criminal penalty on any person who "fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law." Additionally, 18 U.S.C. § 545,

provides for the forfeiture of "merchandise introduced into the United States in violation of this section"; (b) 19 U.S.C. § 1595a(c)(1)(A) which provides in pertinent part that merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be forfeited if it is stolen, smuggled, or clandestinely imported or introduced in violation of 19 U.S.C. §§ 1484 and 1485 which set forth the requirements for invoices, entries and declarations that accompany goods imported into the United States and that the importer of record declare under oath that the statements made in entry documents are true and correct; (c) 19 U.S.C. § 1595a(c)(2)(B) which provides in pertinent part that merchandise which is introduced or attempted to be introduced into the United States contrary to law may be seized and forfeited if its importation or entry requires a license, permit or other authorization of an agency of the United States Government and the merchandise is not accompanied by such license, permit or authorization; and its importation or entry requires a license, permit or other authorization of an agency of the United States Government and the merchandise is not accompanied by such license, permit or authorization; and (d) 27 C F R 447.63 which provides in pertinent part that "whoever knowingly imports into the United States contrary to law any article on the U.S. Munitions Import List; or receives, conceals, buys, sells, or in any manner facilitates its transportation, concealment, or sale after importation, knowing the same to have been imported contrary to law . . . the merchandise so imported, or the value thereof shall be forfeited to the United States"; and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on May 6, 2013, United States Customs and Border Protection seized the Defendant Property; and

WHEREAS, on or about August 1, 2013, copies of the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture were sent certified mail, return receipt requested, to Peter S. Herrick, P.A., Attorney At Law, 3520 Crystal View Court, Miami, Florida 33133, Counsel for Benjamin Oei (*See* Declaration of Peter W. Gaeta with Exhibits, Exhibit A, hereinafter "Gaeta Decl." filed herein.); and

WHEREAS, on or about August 5, 2013, copies of the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by Peter S. Herrick, P.A., Attorney At Law, 3520 Crystal View Court, Miami, Florida 33133, Counsel for Benjamin Oei (*See* Gaeta Decl. Exhibit A.); and

WHEREAS, a notice of civil forfeiture was posted on an official government internet site, namely <http://www.forfeiture.gov>, beginning on August 6, 2013, and running for thirty consecutive days through September 4, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure (*See* Gaeta Decl. Exhibit B.); and

WHEREAS the Notice of Forfeiture (Docket Entry #3) stated that a claim had to be filed no later than September 6, 2013 in order to contest the forfeiture; and

WHEREAS no conforming Claim has been filed within the time required by Rules G(4)(b)(ii) and G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the Defendant Property; and

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED

1. **THAT** a Default Judgment and a Final Order of Forfeiture is granted against the Defendant Property consisting of one RGW 60 rocket launcher, one RGW 90 rocket launcher,

one Carl Gustav M2 84mm recoilless rifle, one NATO 60mm training round, and one propellant tube, and no right, title or interest in the Defendant Property shall exist in any other party; and it is further ordered

2. **THAT** the United States Customs and Border Protection shall dispose of the Defendant Property in accordance with the law; and

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 23rd day of January, 2015



HONORABLE STANLEY R. CHESLER, U.S.D.J.
UNITED STATES DISTRICT COURT